

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

NOV 6 - 1985

BARBARA A. EVERLY, CLERK

IN RE:

BANKRUPTCY NO.

TERRY A. PEDERSEN and
MARCIA R. PEDERSEN,
Debtors.

83-04046

NEBRASKA STATE BANK
Plaintiff,

ADVERSARY NO. 83-0342S

vs.

J U D G M E N T

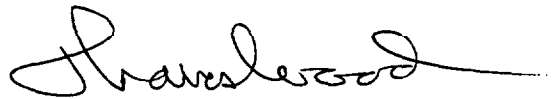
TERRY A. PEDERSEN and
MARCIA R. PEDERSEN
Defendants.

Pursuant to the Memorandum Opinion and Orders entered herein
on September 24, 1985,

IT IS ORDERED the Plaintiff herein, Nebraska State Bank, recover
of the Defendants, Terry A. Pedersen and Marcia R. Pedersen,
the sum of Eighty-seven Thousand Eighty-three and 73/100 Dollars
(\$87,083.73).

IT IS FURTHER ORDERED this Judgment shall be entered in the
Docket of the Clerk of this Court and that notice of the entry
of this Judgment shall be given by ordinary mail to the Attorney
for the Defendants, Edward F. Samore, Samore & Samore, 534-539
Davidson Building, Sioux City, Iowa 51101, and to the Attorney
for the Plaintiff, Craig A. Raby, 614 Pierce St., P. O. Box
27, Sioux City, IA 51102.

ORDERED: November 6, 1985



BANKRUPTCY JUDGE
SITTING BY DESIGNATION

Copy mailed to parties
as set forth above
this November 6, 1985

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Louis J. Wortman
Deputy Clerk, Bankruptcy Court
P O Box 4371, Cedar Rapids, IA 52407

MAY - 8 1986

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

IN RE:

TERRY A. PEDERSEN and
MARCIA R. PEDERSEN,

Debtors.

NEBRASKA STATE BANK,

Plaintiff,

vs.

TERRY A. PEDERSEN and
MARCIA R. PEDERSEN,

Defendants.

Bankruptcy No. 83-04046

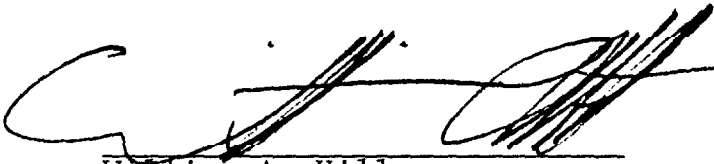
ADVERSARY NO. 83-0342S

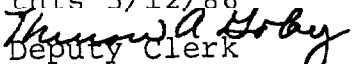
ORDER NUNC PRO TUNC

This Court's Order for Judgment, entered September 24, 1985, is amended to include interest on the sum of \$87,083.73. Said interest to be calculated at the legal rate of 8.08% from and after the date of entry of Judgment, that date being November 6, 1985.

SO ORDERED.

Dated this 8th day of May, 1986.


William A. Hill
U.S. Bankruptcy Judge
sitting by designation

Copy to
Craig A. Raby,
Atty for Plaintiff;
Edward F. Samore,
Atty for Defendants
this 5/12/86

Deputy Clerk
P O Box 4371

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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

JUN 3 1986

BARBARA A. EVERLY, CLERK

IN RE:

TERRY A. PEDERSEN and
MARICA R. PEDERSEN,
Debtors.

Bankruptcy No. 83-04046

NEBRASKA STATE BANK,
Plaintiff,

Adversary No. 83-0342S

vs.

TERRY A. PEDERSEN and
MARCIA R. PEDERSEN,
Defendants.

ORDER

The Defendants, on May 23, 1986, filed a Motion for Relief from this court's May 8, 1986 nunc pro tunc Order granting the Plaintiff interest on judgment.

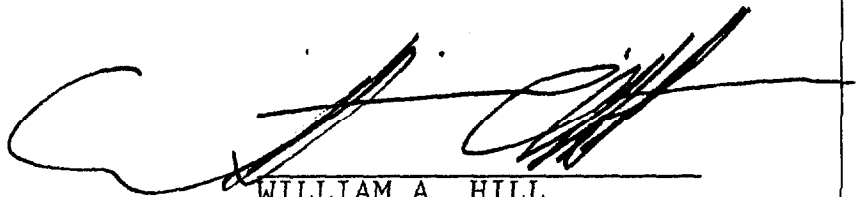
On September 24, 1985, the undersigned, sitting by designation, entered an Order for Judgment in favor of the Plaintiff finding the sum of \$87,083.73 to be non-dischargeable. Thereafter, on November 6, 1985, judgment was entered in said amount by the Honorable Thomas Wood, sitting by designation.

On February 26, 1986, the Plaintiff filed an application for an order nunc pro tunc correcting the judgment so as to include interest at the statutory rate. The application was resisted and came on for hearing before the Honorable Michael Melloy on April 25, 1986, who took the matter under advisement and, in turn, referred it to the undersigned for decision. The undersigned

received the Plaintiff's brief in support of the application but did not receive the adversary file itself nor any record of the proceedings before Judge Melloy. This court entered the order now complained of based solely upon the arguments advanced by the Plaintiff. Subsequently, on May 9, 1986, the Defendants filed a timely brief resisting the application but which was not forwarded to the undersigned in time for consideration.

The court has now had forwarded to it the entire adversary file and has reviewed its order for judgment as well as briefs of counsel bearing on the issue now presented. After consideration of the arguments advanced by counsel on both sides, this court regards the Defendants position as persuasive and concludes that its Order of May 8, 1986, granting the Plaintiff interest nunc pro tunc to have been improvidently entered. The Plaintiff is not entitled to interest on the sum of \$87,083.73. Accordingly, IT IS ORDERED that the May 8, 1986 nunc pro tunc Order be vacated and the judgment in this case shall stand as originally entered on November 6, 1985.

Dated this 3rd day of June, 1986.



WILLIAM A. HILL
U.S. BANKRUPTCY JUDGE
sitting by designation

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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 13 1986

BARBARA A. EVERLY, CLERK

IN RE:)

)
)
TERRY A. PEDERSEN and)
MARCIA R. PEDERSEN,)
Debtors.)

Bankruptcy No. 83-04046

NEBRASKA STATE BANK,)
Plaintiff,)

vs.)

ADVERSARY NO. 83-0342S

TERRY A. PEDERSEN and)
MARCIA R. PEDERSEN,)
)
Defendants.)

SATISFACTION OF JUDGMENT

Pursuant to a Settlement Agreement dated June 2, 1986, complete, full and final payment of the Judgment in the above captioned matter is hereby acknowledged and the same is hereby forever released and discharged of record.

DATED this 10 day of June, 1986.

NEBRASKA STATE BANK, A Nebraska
Corporation,

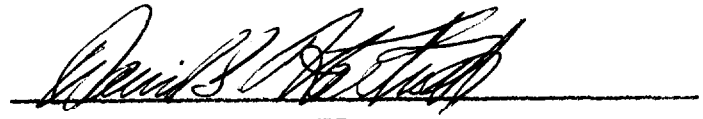
BY: [Signature]
PRESIDENT

Copy mailed to:
Wayne E. Boyd, Nancy L. Thompson
Daniel A. Hartnett
Edward. F. Samore
this June 16, 1986 *LS*

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Lamin L. Wortman
Deputy Clerk, Bankruptcy Court
P O Box 4371, Cedar Rapids, IA 52407

A handwritten signature in black ink, appearing to read "Daniel A. Hartnett", is written over a horizontal line.

DANIEL A. HARTNETT

Attorney for Plaintiff

1419 Dakota Avenue

South Sioux City, NE 68776